

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the above amendments, claims 1-4, 7, 8, 10-16, 19-27, 37, 38, 40-43, 52 and 54-67, as amended, will be pending.

Applicants note with appreciation that all of the pending claims are free of the prior art and that only minor informalities remain to be resolved. Accordingly, the foregoing claim amendments take the Examiner's useful comments and suggestions into consideration and otherwise are believed to address all remaining outstanding issues.

It is further noted that for consistency with the other members of the Markush grouping in claim 1, subparagraph (a), and to avoid ambiguity and to be consistent with the disclosure on page 8, lines 24-25, the phrase "a fatty acid amide which is" is replaced by -- fatty acid amides which are --.

As noted from the above, rejected claims 39 and 53 (as duplicates of previous claims) are cancelled. This resolves the Objection of those claims and removes any potential Double Patenting rejection.

Claim 1 is amended, substantially as proposed by the Examiner, by replacing the phrase "of an oil emulsifier" with the phrase, -- of total oil emulsifier --. While the word "oil" is retained, the amended language is not considered confusing or indefinite. As amended and as described throughout the specification, the emulsifier stabilizer system may include from about 0.02 to 1.5% by weight of emulsifier component for the oil of the oil-in-water emulsifier.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

With regard to the assertion that claims 7, 8 and 39-41 are not clear because of the use of the term "comprising" it is pointed out that the last filed amendment, dated January 3, 2004, already replaced the "comprising" terminology with the word -- is --.

Accordingly, reconsideration and withdrawal of this ground of rejection is respectfully requested.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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